

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)	CASE NO: 05-50270
)	Chapter 13
Timothy Harold Smith)	
)	
Debtor(s).)	Judge Marilyn Shea-Stonum
)	
		<u>MOTION TO MODIFY PLAN</u>
		<u>SUBSEQUENT TO CONFIRM-</u>
		<u>ATION</u>

Now comes the above-captioned debtor, by and through the undersigned counsel, who prays for the entry of an order modifying his chapter 13 plan so as to provide for payments to the chapter 13 trustee of \$97.00 per week to the chapter 13 trustee for the duration of his chapter 13 plan and to provide that those general unsecured creditors whose previously-filed claims that have been allowed herein shall be paid one percent (1%) of these claims by the chapter 13 trustee within the plan's remaining duration. The debtor states that the chapter 13 trustee has filed herein a motion to modify the debtor's plan so as to increase the debtor's present chapter 13 plan payments from \$26.32 per week to \$176.68 per week and the debtor avers that he cannot afford to pay this increase in his payments. The debtor submits that if his plan is modified as prayed for, the plan will remain feasible and the best interests of the creditors may be satisfied.

WHEREFORE, the debtor prays for the entry of an order modifying his chapter 13 plan so as to change his weekly payments to the chapter 13 trustee to \$97.00 per week and to change the percentage dividend to be paid to general unsecured creditors under the plan to one percent (1%) of their previously-filed and allowed claims.

Respectfully Submitted,
/s/ Robert M. Whittington, Jr.

Robert M. Whittington, Jr. 0007851
Elk, Elk & Whittington
159 S. Main St.
Akron, OH 44308
Voice (330) 384 8484
Fax (330) 384 8953
E-mail elkwhitt@neo.rr.com

NOTICE

No hearing shall be held on the foregoing, and the same may be granted without a hearing, unless an affected party files with the Court within fifteen (15) days from the date of the service of this notice a written request for a hearing on the foregoing with the Clerk of this Court at 455 U.S.Courthouse, 2 S. Main St., Akron, Ohio 44308 and serves a copy of this hearing request upon the attorney for the debtor(s). 11 U.S.C. §102(1)(b).

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by ordinary U.S. Mail, postage prepaid, on June 22, 2007 to those parties whose names and complete addresses appear on the attached mailing matrix.

/s/ Robert M. Whittington, Jr.

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) CASE NO: 05-50270
) Chapter 13
Timothy Harold Smith) Judge Marilyn Shea-Stonum
) NOTICE OF MOTION TO MOD-
) IFY CHAPTER 13 PLAN
Debtors.

The debtor filed papers with the Court to modify his chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the motion, or if you want the Court to consider your views on the motion, then on or before July 10, 2007, you or your attorney must file with the Court a written request for a hearing and a written answer explaining your position at the office of the Clerk of the Bankruptcy Court, room 455, U.S. Courthouse, 2 S. Main Street, Akron, Ohio 44308. If you mail your request to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Robert M. Whittington, Jr., 1023 Key Bldg., 159 S. Main Street, Akron, OH
44308

Jerome L. Holub, Chapter 13 Trustee, I Cascade Plaza, #2020, Akron, OH 44308

If you or your attorney do not take these steps, the Court may decide that you do

not oppose the relief sought in the motion or objection and may enter an order granting that relief.

DATE: June 22, 2007

Robert M. Whittington, Jr., 0007851
Attorney for the Debtor(s)
1023 Key Bldg.
159 S. Main St.
Akron, OH 44308
(330) 384-8484

Label Matrix for local noticing
0647-5
Case 05-50270-mss
Northern District of Ohio
Akron
Fri Jun 22 11:47:36 EDT 2007

US Bankruptcy Court
455 Federal Bldg
2 South Main Street
Akron, OH 44308

Alltel
One Allied Dr.
Little Rock, AR 77202

Bank One Loan
Servicing
P.O. Box 901008
Fort Worth, TX 76101-2008

Discover
3311 Mill Meadow Drive
Hilliard, OH 43026

Homeside Lending
3820 109th St., Dept. 7250
Des Moines, IA 50391-7250

Household Financial Services, Inc.
636 Grand Regency Boulevard
Brandon, FL 33509

M&I Home Lending Solutions
4121 NW Urbandale Dr
Urbandale IA 50322 7928

U.S. Bancorp
U.S. Bancorp Center
800 Nicollet Mall
Minneapolis, MN 55402

Union Plus
Household Credit Services
P.O. Box 5222
Carol Stream, IL 60197-5222

ECAST SETTLEMENT CORPORATION
P.O. BOX 35480
NEWARK, NJ 07193-5480

A.T. & T. Universal Card
P.O. Box 8029
S. Hackensack, NJ 07606

Alltel
P.O. Box 9001902
Louisville, KY 40240-1902

Citibank
P.O. Box 8105
S. Hackensack, NJ 07606-8105

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Homeside Lending
P.O. Box 44255
Jacksonville, FL 32231

JP MORGAN CHASE BANK, NA/BANK ONE
NPS OH1-1188
PO BOX 182223
COLUMBUS, OH 43218-2223

Sherman Acquisition LP., its successors and
P.O. Box 10587
Greenville, SC 29603-0587

(p)US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

eCast
PO Box 35480
Newark NJ 07193 5480

Household Financial Services, Inc.
1270 Northland Drive
Suite 200
Mendota Heights, MN 55120

A.T. & T. Universal Card
P.O. Box 8106
S. Hackensack, NJ 07606-8106

Bank One
P.O. Box 9001937
Louisville, KY 40290-1937

Citicard
P.O. Box 8113
S. Hackensack, NJ 07606-8113

HSBC Mortgage Servicing
P.O. Box 5207
Carol Stream, IL 60197-5207

Household Bank and its Assigns
by eCAST Settlement Corporation
as its agent
P.O. Box 35480
Newark, NJ 07193-5480

John Donofrio, Summit Co.
Fiscal Officer
175 S. Main St.
Akron, OH 44308

Summit Co. Prosecutor, Tax Division
906 Key Bldg.
Akron, OH 44308

US BANK CORP/ RETAIL PAYMENT SOLUTIONS
PO BOX 5229
CINCINNATI, OHIO 45201

Jerome L Holub
One Cascade Plaza
Suite 2020
Akron, OH 44308-1318

Robert M Whittington Jr
159 S Main St
Key Bldg
#1023
Akron, OH 44308-1318

Timothy Harold Smith
118 Joel Dr.
Mogadore, OH 44260

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Discover
P.O. Box 15251
Wilmington, DE 19886-5251

(d)Discover Financial Services
POB 8003
Hilliard, OH
43026

U.S. Bank
P.O. Box 790408
St. Louis, MO 63179-0408

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)AmerUs Life Insurance Co

End of Label Matrix	
Mailable recipients	31
Bypassed recipients	1
Total	32